

Notice of Allowability

Application No.

10/731,797

Applicant(s)

GREEN, HOWARD H.

Examiner

Philip B. Tran

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/10/2008.
2. ☒ The allowed claim(s) is/are 15-27 and 42-49.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>attached</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Gavrilovich, Jr. (Reg. No. 41,031), the undersigned, on Mar 27, 2008.

3. The application has been amended as follows:

IN THE CLAIMS:

The claims of the invention have been amended as follows:

1. -14. (Canceled)

15. (Currently Amended) A method of configuring a distributed computer system, the method comprising:

retrieving autonomy criteria identifying at least one non-autonomous configuration task that should not be autonomously executed;

identifying the at least one non-autonomous configuration task by applying the autonomy criteria to each configuration task of an autonomy-based configuration procedure for configuring a distributed computer system;

requesting authorization for executing the at least one **non-autonomous** configuration task; and

refraining from executing the **at least one** non-autonomous configuration task until authorization is received from an administrator.

16. (Currently Amended) A method in accordance with claim 15, wherein the requesting comprises:

generating an inquiry identifying the at least one non-autonomous configuration task and indicating that administrator input is required to execute the ~~unauthorized~~ **at least one non-autonomous** configuration task.

17. (Currently Amended) A method in accordance with claim 16, further comprising:

executing the **at least one** non-autonomous configuration task after the administrator input is received, the administrator input acknowledging the ~~unauthorized~~ **at least one non-autonomous** configuration task should be executed.

18. (Currently Amended) A method in accordance with claim 15, further comprising:

aborting the configuration procedure when the administrator input is received, the administrator input indicating the **at least one** non-autonomous configuration task should not be executed.

19. (Currently Amended) A method of configuring a distributed computer system, the method comprising:

receiving autonomy criteria entered by an administrator through a user interface;

retrieving autonomy criteria identifying at least one non-autonomous configuration task that should not be executed without authorization, the **at least one** non-autonomous configuration task resulting in a change of at least one configuration parameter when executed;

identifying the at least one non-autonomous configuration task by applying the autonomy criteria to each configuration task of an autonomy-based configuration procedure for configuring a distributed computer system;

requesting authorization for executing the at least one non-autonomous configuration task; and

refraining from executing the **at least one** non-autonomous configuration task until authorization is received from an administrator.

20. (Currently Amended) A management server for managing a distributed computer system, the management server comprising:

computer-executable logic stored on a computer readable medium, the computer-executable logic configured to cause the following steps to occur:

retrieving autonomy criteria identifying at least one non-autonomous configuration task that should not be autonomously executed;

identifying the at least one non-autonomous configuration task by applying the autonomy criteria to each configuration task of an autonomy-based configuration procedure for configuring a distributed computer system;

requesting authorization for executing the at least one **non-autonomous** configuration task; and

refraining from executing the **at least one** non-autonomous configuration task until authorization is received from an administrator.

21. (Currently Amended) A management server in accordance with claim 20, wherein the step of requesting comprises:

generating an inquiry identifying the at least one non-autonomous configuration task and indicating that administrator input is required to execute the ~~unauthorized~~ **at least one non-autonomous** configuration task.

22. (Currently Amended) A management server in accordance with claim 21, the computer-executable logic configured to further cause the following step to occur:

executing the **at least one** non-autonomous configuration task after the administrator input is received, the administrator input acknowledging the ~~unauthorized~~ **at least one non-autonomous** configuration task should be executed.

23. (Currently Amended) A management server in accordance with claim 20, the computer-executable logic configured to further cause the following step to occur:

aborting the configuration procedure when the administrator input is received, the administrator input indicating the **at least one** non-autonomous configuration task should not be executed.

24. (Currently Amended) A program product for managing a distributed computer system, the program product comprising:

computer-executable logic contained on a computer-readable medium and configured for causing the following computer-executed steps to occur:

retrieving autonomy criteria identifying at least one non-autonomous configuration task that should not be autonomously executed;

identifying the at least one non-autonomous configuration task by applying the autonomy criteria to each configuration task of an autonomy-based configuration procedure for configuring a distributed computer system;

requesting authorization for executing the at least one non-autonomous configuration task; and

refraining from executing the at least one non-autonomous configuration task until authorization is received from an administrator.

25. (Currently Amended) A program product in accordance with claim 24, wherein the step of requesting comprises:

generating an inquiry identifying the at least one non-autonomous configuration task and indicating that administrator input is required to execute the unauthorized at least one non-autonomous configuration task.

26. (Currently Amended) A program product in accordance with claim 24, the computer-executable logic configured to further cause the following step to occur:

executing the at least one non-autonomous configuration task after the administrator input is received, the administrator input acknowledging the ~~unauthorized~~ at least one non-autonomous configuration task should be executed.

27. (Currently Amended) A program product in accordance with claim 25, the computer-executable logic configured to further cause the following step to occur:

aborting the configuration procedure when the administrator input is received, the administrator input indicating the at least one non-autonomous configuration task should not be executed.

28. - 41. (Canceled)

42. (Currently Amended) A data storage system that communicates with a computer which has application software that manipulates data that ~~may~~ can be stored on the data storage system and the system including computer-executable logic for configuring a distributed computer system, the data storage system comprising:

a plurality of storage devices; and

computer-executable logic configured for causing the following computer-executed steps to occur:

retrieving autonomy criteria identifying at least one non-autonomous configuration task that should not be autonomously executed;

identifying the at least one non-autonomous configuration task by applying the autonomy criteria to each configuration task of an autonomy-based configuration procedure for configuring a distributed computer system;

requesting authorization for executing the at least one **non-autonomous** configuration task; and

refraining from executing the **at least one** non-autonomous configuration task until authorization is received from an administrator.

43. (Currently Amended) A data storage system in accordance with claim 42, wherein the step of requesting comprises:

generating an inquiry identifying the at least one non-autonomous configuration task and indicating that administrator input is required to execute the unauthorized **at least one non-autonomous** configuration task.

44. (Currently Amended) A data storage system in accordance with claim 43, the computer-executable logic configured to further cause the following step to occur:

executing the at least one non-autonomous configuration task after the administrator input is received, the administrator input acknowledging the ~~unauthorized~~ at least one non-autonomous configuration task should be executed.

45. (Currently Amended) A data storage system in accordance with claim 42, the computer-executable logic configured to further cause the following step to occur:

aborting the configuration procedure when the administrator input is received, the administrator input indicating the at least one non-autonomous configuration task should not be executed.

46. (Currently Amended) A management server for managing a distributed computer system, the management server comprising:

a processor and a memory;

retrieving means for retrieving autonomy criteria identifying at least one non-autonomous configuration task that should not be autonomously executed;

identifying means for identifying the at least one non-autonomous configuration task by applying the autonomy criteria to each configuration task of an autonomy-based configuration procedure for configuring a distributed computer system;

requesting means for requesting authorization for executing the at least one **non-autonomous** configuration task; and

refraining means for refraining from executing the **at least one** non-autonomous configuration task until authorization is received from an administrator, **the retrieving means, the identifying means, the requesting means, and the refraining means included at least partially within at least one of the processor and memory.**

47. (Currently Amended) A management server in accordance with claim 46, wherein the requesting means comprises:

generating means for generating an inquiry identifying the at least one non-autonomous configuration task and indicating that administrator input is required to execute the unauthorized **at least one non-autonomous** configuration task.

48. (Currently Amended) A management server in accordance with claim 47 further comprising:

executing means for executing the **at least one** non-autonomous configuration task after the administrator input is received, the administrator input acknowledging the unauthorized **at least one non-autonomous** configuration task should be executed.

49. (Currently Amended) A management server in accordance with claim 46, the management server further comprising:

an aborting means for aborting the configuration procedure when the administrator input is received, the administrator input indicating the **at least one** non-autonomous configuration task should not be executed.

ALLOWABLE SUBJECT MATTER

4. Claims 15-27 and 42-49 (renumbered as claims 1-21) are allowable over the prior art of record.

5. This communication warrants no examiner's reason for allowance, as applicant's reply makes evident the reason for allowance, satisfying the record as whole as required by rule 37 CFR 1.104 (e). In this case, the substance of applicant's remarks in the Pre-Appeal Conference Request filed on 10 January 2008 with respect to the claim limitations and further with the examiner's amendments (see attaches) point out the reason claims are patentable over the prior art of record. Thus, the reason for allowance is in all probability evident from the record and no statement for examiner's reason for allowance is necessary (see MPEP 13202.14).

6. Examiner interprets the limitation "computer-readable medium" as a device that stores computer instructions and participates in providing the computer instructions to a computer processor for execution. The computer-readable medium includes non-volatile media, volatile media, computer storage devices and memories. For example, optical or magnetic disks, ROMs, PROMs, EPROMs, EEPROMs, RAM, hard disks, CDs, DVDs. The "computer-readable medium" does not include acoustic or electromagnetic waves, such as those generated during radio-wave, infra-red, and optical data communications.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip B. Tran whose telephone number is (571) 272-3991. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Philip B Tran/
Primary Examiner, Art Unit 2155
Mar 28, 2008